

# Public Notice

**U S Army Corps  
of Engineers  
Huntington District**

In reply refer to Public Notice No.  
2007-00949-CUY

Issuance Date:  
**JAN 09 2009**

Stream:  
Unnamed Tribs to Cuyahoga and Chagrin Rivers

Closing Date:  
**MAR 10 2009**

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District, Ohio Transportation Office

ATTN: CELRH-OR-FN-OT Public Notice No. (reference above)

3990 East Broad Street  
Building 10, Section 10  
Columbus, Ohio 43218-3990

Phone: (614) 692-4654

**PUBLIC NOTICE:** The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**REGULATORY PROGRAM:** Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

**SECTION 10:** The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

**SECTION 404:** The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

**TO WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

**APPLICANT:**      Ohio Department of Transportation  
                          1980 West Broad Street  
                          Columbus, Ohio 43223

**LOCATION:** The proposed project is located in two jurisdictional streams and fourteen jurisdictional wetlands along 2.12 miles of State Route (SR) 43 from SR 82 northward to approximately 560 feet north of Squires Road in the City of Aurora, Portage County, Ohio.

**DESCRIPTION OF THE PROPOSED WORK:** The applicant proposes to place fill material in waters of the United States in order to widen 2.12 miles of SR 43 from SR 82 northward to approximately 560 feet north of Squires Road in the City of Aurora, Portage County, Ohio. Widening activities would result in four through lanes, new left-turn lanes at major intersections (SR82, Barrington Boulevard, Sycamore Drive, Aurora Lake Road, Treat Road and Squires Road), and a two-way left-turn lane from Aurora Lake Road to Treat Road. In addition, the project would include new curbs and gutters, several culvert replacements, a closed storm sewer system, the relocation of existing cable, natural gas, electric water and sewer utilities, and the reconstruction of existing sidewalks to meet Americans with Disabilities Act (ADA) standards.

Work associated with the proposed project would involve the permanent placement of approximately 3,804 cubic yards of fill material into 0.786 acre of fourteen wetlands and 303 cubic yards of fill material into 228 linear feet (0.02 acre) of two unnamed tributaries to the Cuyahoga River.

**ALTERNATIVE ANALYSIS:** A total of 0.786 acre of fourteen jurisdictional wetlands and a total of 228 linear feet of two streams would be impacted as a result of the proposal. The project does not require access to or siting within a special aquatic site to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve special aquatic sites are presumed to be available unless clearly demonstrated otherwise. The applicant is required to provide an alternatives analysis which must overcome the presumption prior to receiving authorization for the placement of fill. The applicant has submitted an alternatives analysis for review. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the applicant's goal.

**MITIGATION PLAN:** The applicant has submitted a conceptual mitigation plan to compensate for unavoidable impacts. The proposed mitigation plan involves utilizing 1.347 acres of wetland credit and 342 linear feet of stream credit from the ODOT Pond Brook Pooled Stream and Wetland Mitigation Area (PSWMA) located within Liberty Park of Summit County.

**WATER QUALITY CERTIFICATION:** A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

**HISTORIC AND CULTURAL RESOURCES:** The Federal Highway Administration (FHWA) is the lead Federal agency for this project. As such, FHWA is responsible for compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act. The applicant received concurrence on their finding of "no historic properties affected" determination from the Ohio State Historic Preservation Office on July 10, 2007. A copy of this public notice will be sent to the Ohio Historic Preservation Office for review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

**ENDANGERED/THREATENED SPECIES REVIEW:** The project is located within the known or historic range of the following endangered (E), threatened (T) or candidate (C) species:

Indiana bat (E)  
Mitchell's satyr (E)  
Northern monkshood (T)  
Eastern massasauga (C)

As noted, FHWA is the lead Federal agency for this project. FHWA is responsible for compliance with the NEPA and Section 7 of the Endangered Species Act. The proposed project occurs within 2.5 miles of Indiana bat capture records. The U.S. Fish and Wildlife Service (USFWS), in a letter to the applicant dated September 17, 2007, concurred with the applicant's determination that the project may affect, but is not likely to adversely affect the Indiana bat. This public notice serves as a request to the USFWS for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

**PUBLIC INTEREST REVIEW AND COMMENT:** Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

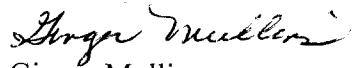
**SOLICITATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to

determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

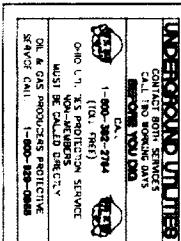
West Virginia/Transportation Section – Ohio Regulatory Transportation Office  
U.S. Army Corps of Engineers Huntington District  
3990 East Broad Street  
Building 10, Section 10  
Columbus, Ohio 43218-3990

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Mr. Peter Clingan of the Ohio Regulatory Transportation Office, at 614-692-4654.

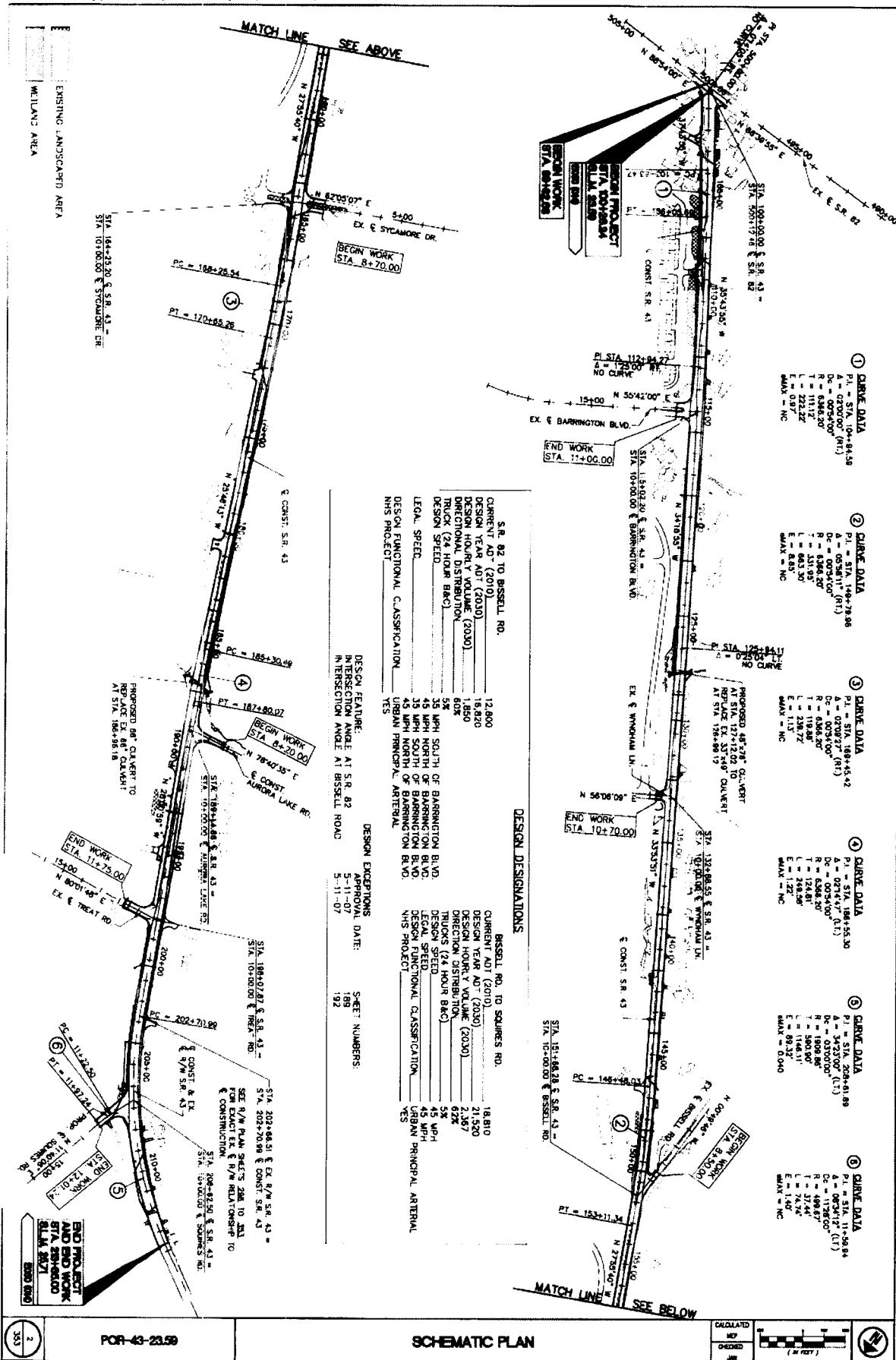
  
Ginger Mullins  
Chief, Regulatory Branch

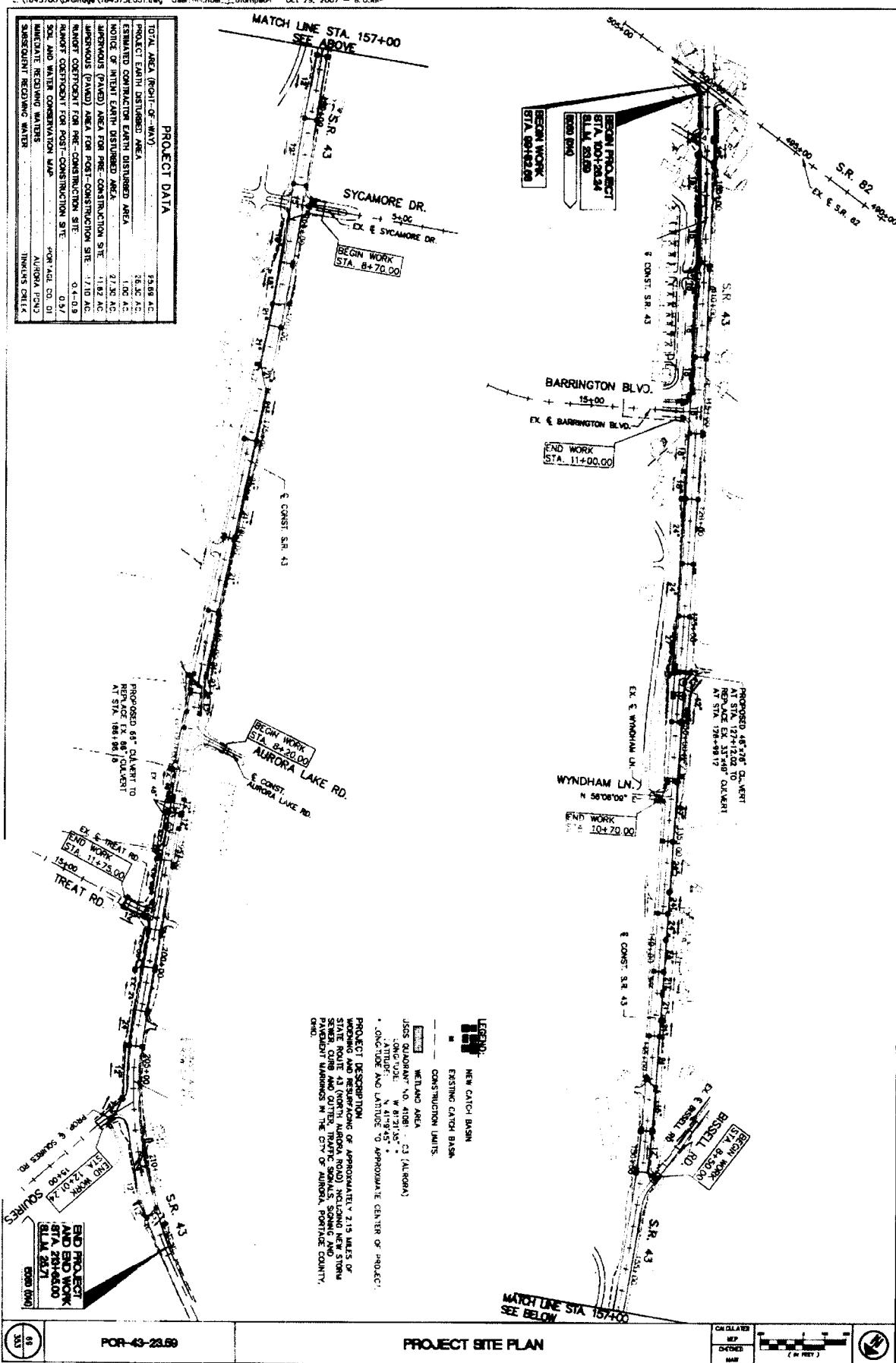
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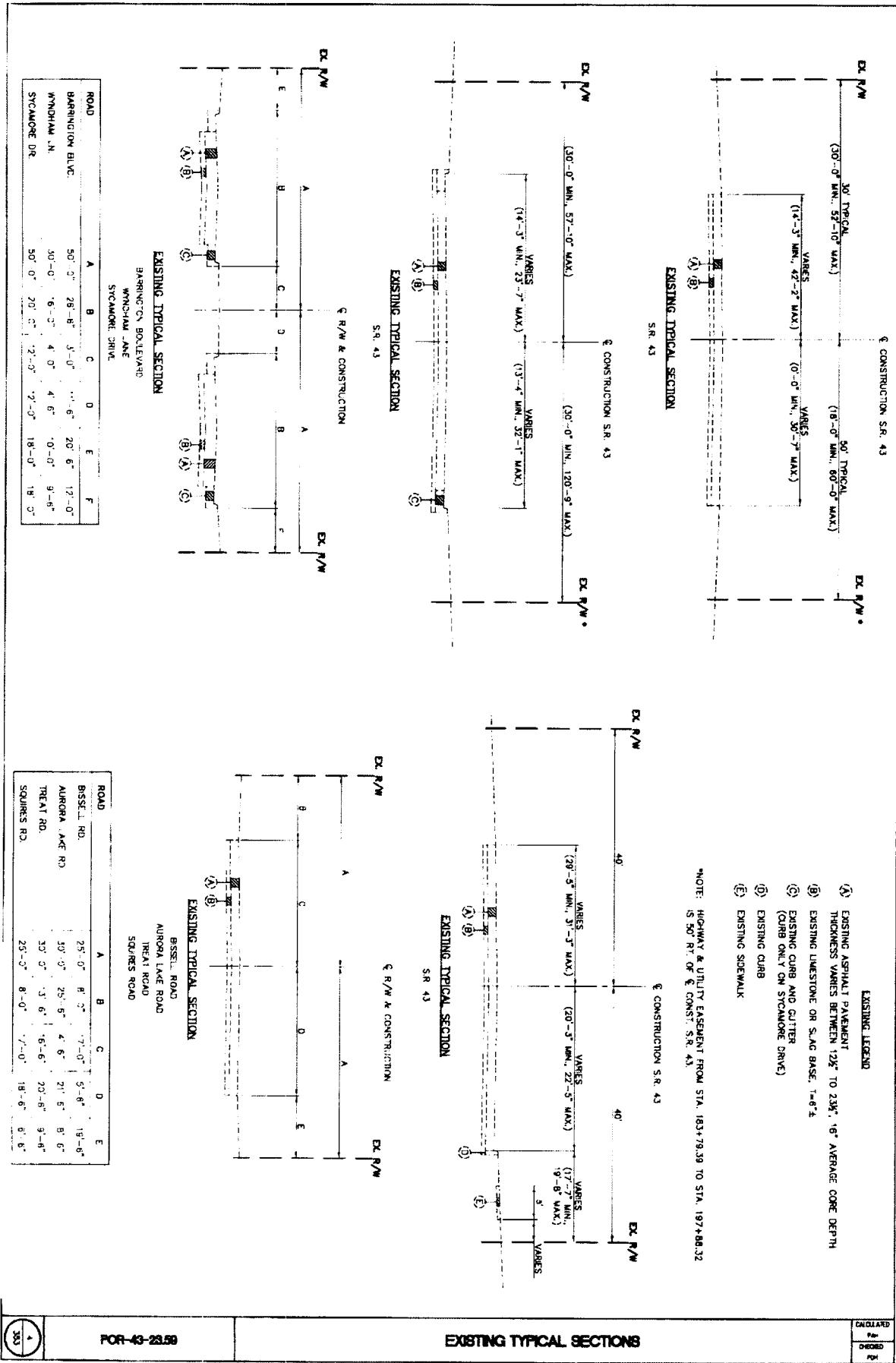
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<b>DEPARTMENT OF TRANSPORTATION</b> <b>POR-43-23.59</b> <b>NORTH AURORA ROAD</b> <b>CITY OF AURORA</b> <b>PORTAGE COUNTY</b>																																																	
<b>EARTH DISTURBED AREAS</b> PROJECT EARTH-DISTURBED AREA: 26.30 ACRES WIDENING AND RESURFACING OF 2.15 MILES OF STATE ROUTE 43 ESTIMATED CONTRACTOR EARTH-DISTURBED AREA: 1.00 ACRES NOTICE OF INTENT EARTH-DISTURBED AREA: 27.30 ACRES																																																	
<b>2005 SPECIFICATIONS</b> THE STANDARD SPECIFICATIONS OF THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION, INCLUDING CHANGES AND SUPPLEMENTAL SPECIFICATIONS LISTED IN THE PROPOSAL SHALL GOVERN THIS IMPROVEMENT.																																																	
<b>HEREBY APPROVE THESE PLANS AND DECLARE THAT THE CLOSING</b> <b>MAKING OF THIS IMPROVEMENT WILL NOT REQUIRE THE CLOSING</b> <b>OF TRAFFIC ON STATE'S 41-22 AND THAT PROVISIONS FOR THE</b> <b>Maintenance AND SAFETY OF TRAFFIC WILL BE AS SET FORTH</b> <b>ON THE PLANS AND ESTIMATES.</b>																																																	
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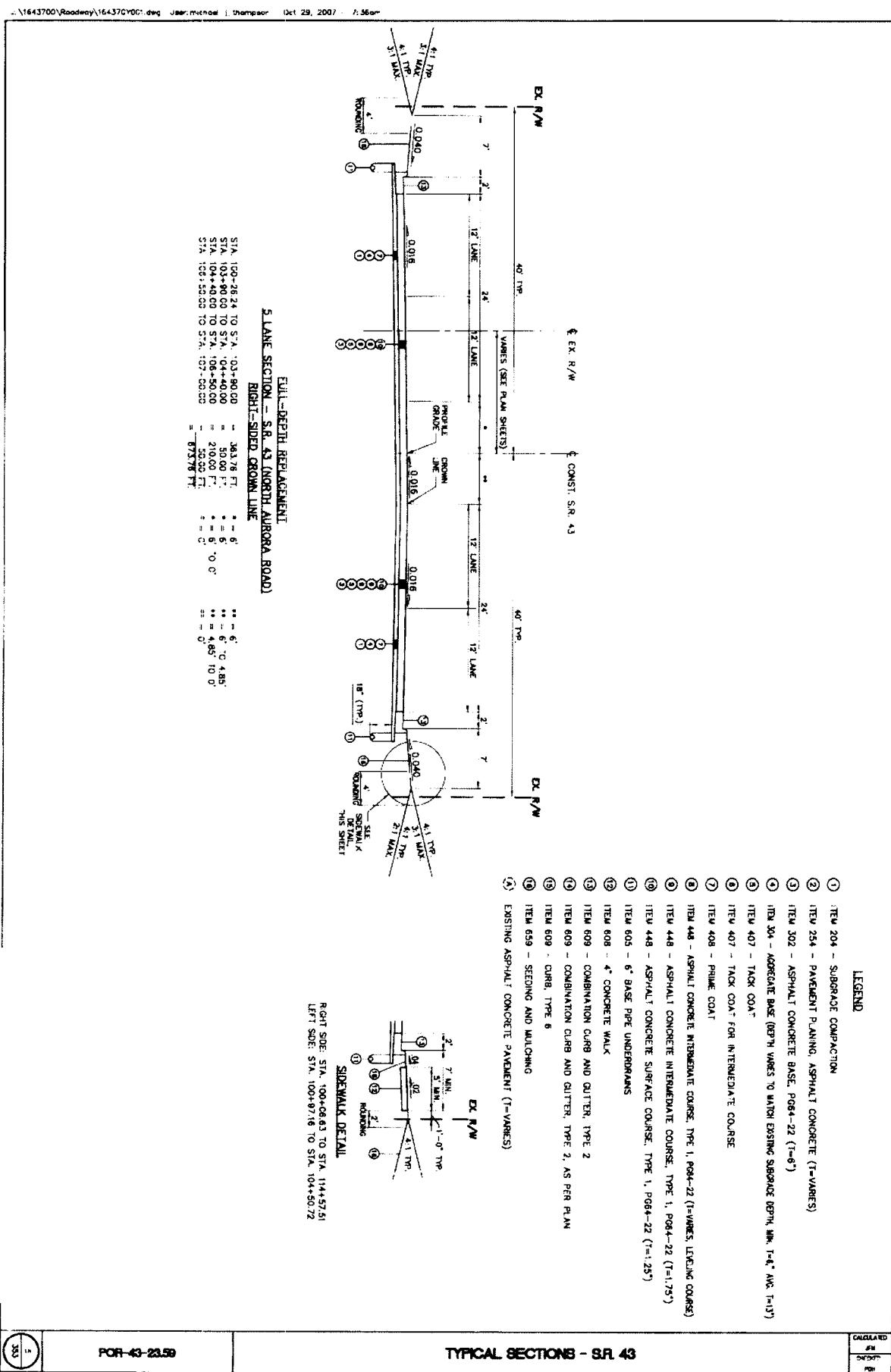


STANDARD CONSTRUCTION DRAWINGS		SUPPLEMENTAL SPECIFICATIONS	
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MI-38.53	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.54	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.55	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.56	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.57	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.58	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.59	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.60	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.61	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.62	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.63	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.64	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.65	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.66	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.67	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.68	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.69	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.70	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.71	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.72	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.73	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.74	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.75	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.76	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.77	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.78	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.79	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.80	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.81	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.82	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.83	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.84	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.85	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.86	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.87	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.88	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.89	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.90	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.91	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.92	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.93	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.94	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.95	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.96	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.97	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.98	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.99	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.100	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.101	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.102	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.103	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.104	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.105	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.106	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.107	09/05/08 (SR-41)	07/19/07 (SR-41)	06/20/08
MI-38.108</			

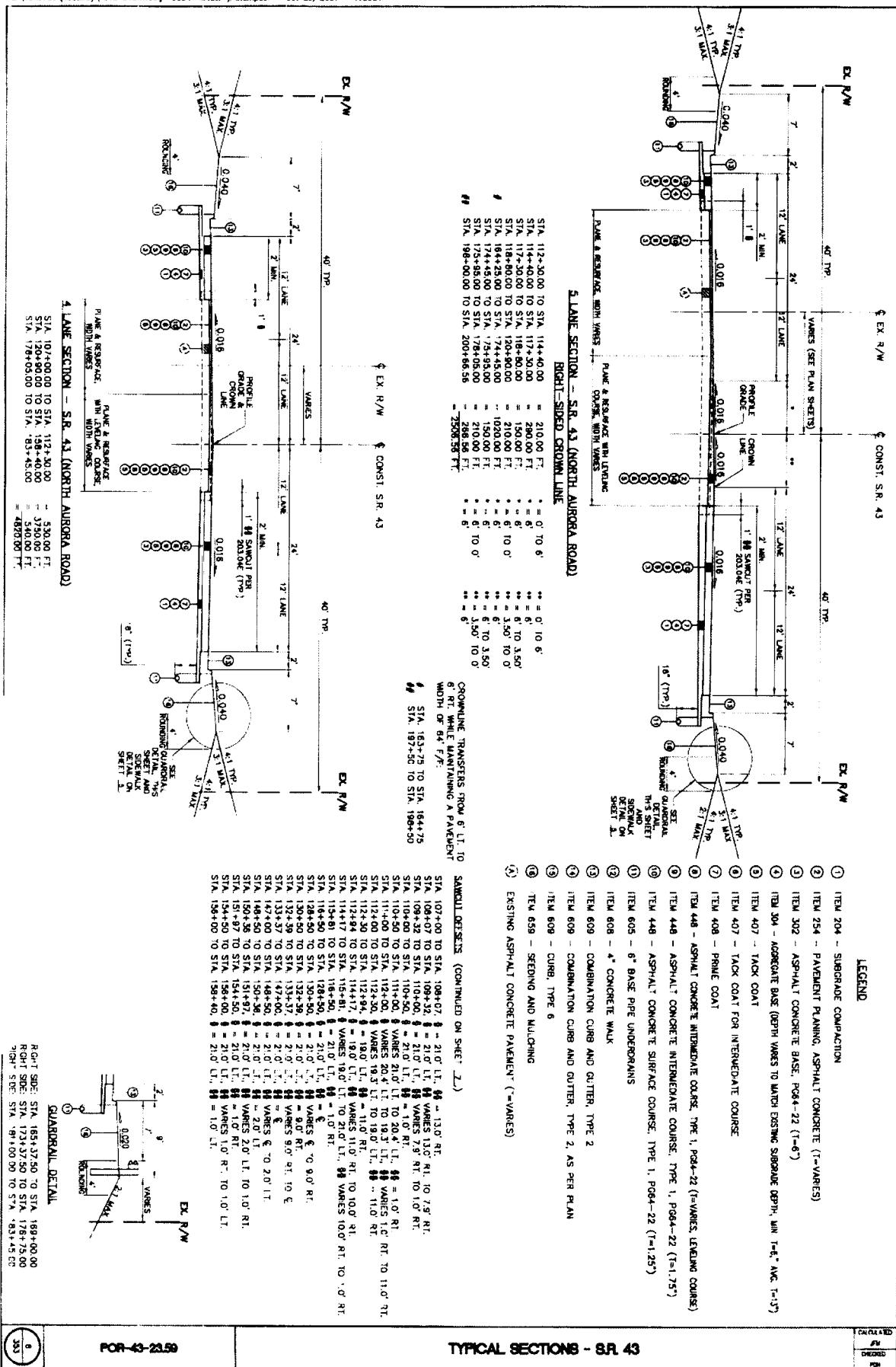


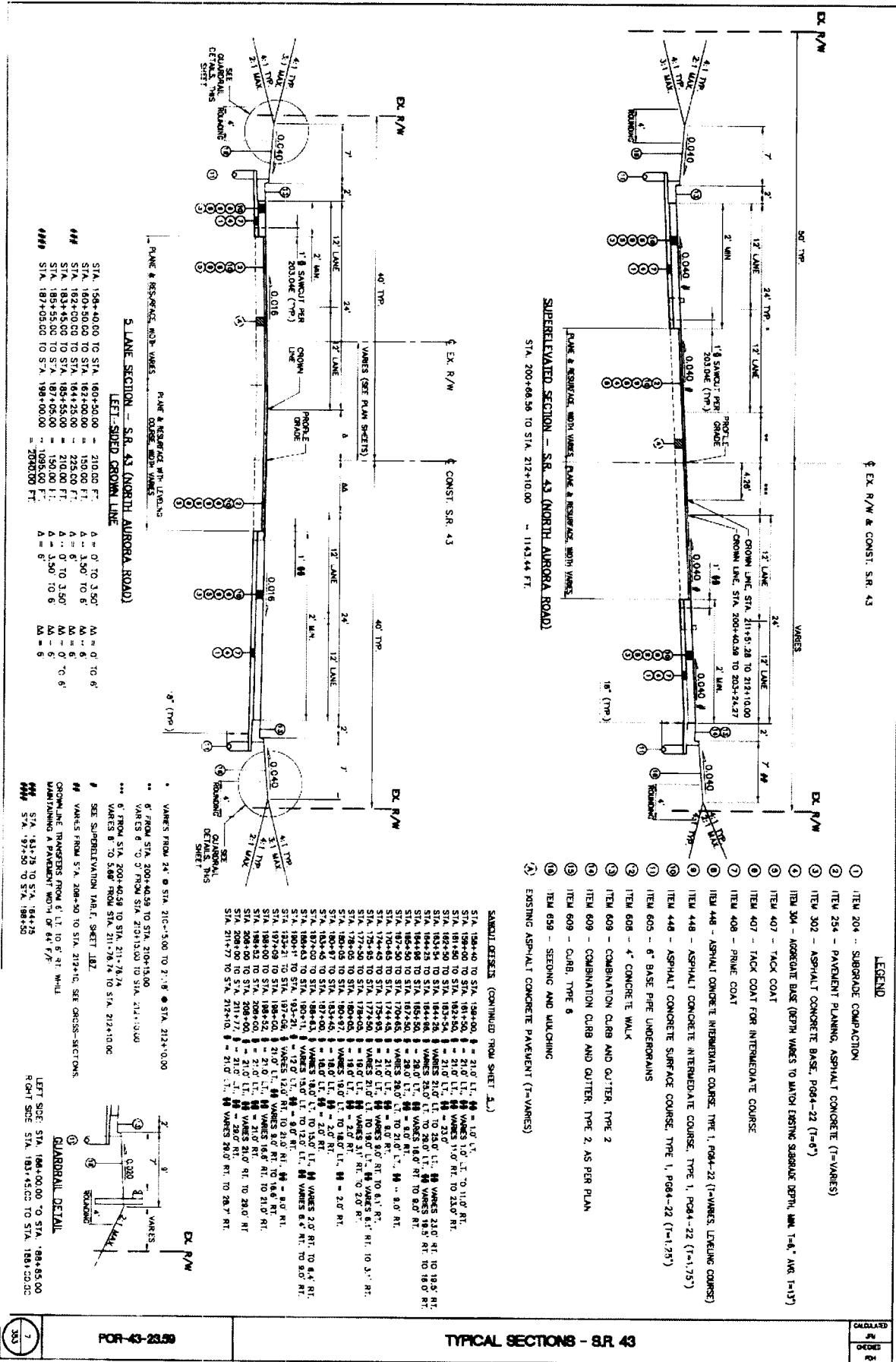




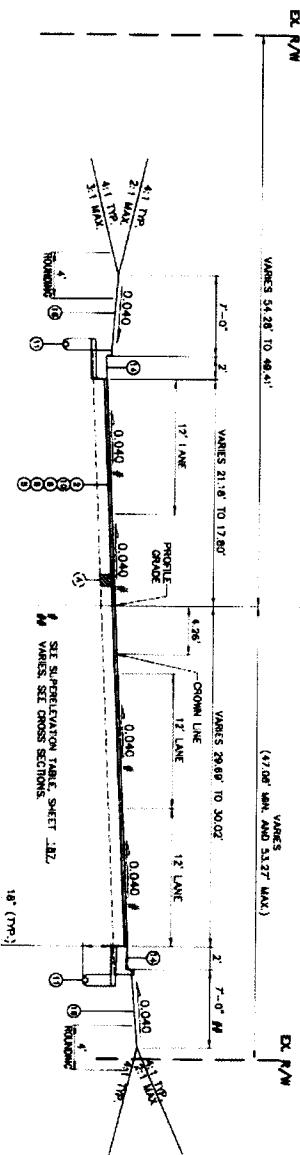


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EX. R/W & CONST. S.R. 43



**RESURFACING SECTION - SR. 43 (NORTH AURORA ROAD)**

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- 153, 80 -

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- (1) ITEM 204 - SUBGRADE COMPACTION

(2) ITEM 254 - PAVEMENT PLANNING, ASPHALT CONCRETE, (' = VARSES)

(3) ITEM 302 - ASPHALT CONCRETE BASE, PG04-22 ( $\text{In} = 6'$ )

(4) ITEM 304 - AGGREGATE BASE DEFN. VARSES TO MATCH EXISTING SUBGRADE DEPTH MIN. 1-6", AVG. 7-13"

(5) ITEM 407 - TACK COAT

(6) ITEM 407 - TACK COAT FOR INTERMEDIATE COURSE

(7) ITEM 408 - PRUFE COAT

(8) ITEM 448 - ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 1, PG04-22 (' = VARSES, LEVELING COURSE)

(9) ITEM 449 - ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 1, PG04-22 (' = 1.15')

(10) ITEM 448 - ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG04-22 (' = 1.25')

(11) ITEM 605 - 6" BASE PIPE UNDERDRAINS

(12) ITEM 606 - 4" CONCRETE WALK

(13) ITEM 609 - COMBINATION CURB AND GUTTER, TYPE 2, AS PER PLAN

(14) ITEM 609 - CURB, TYPE 6

(15) ITEM 659 - SEEDING AND WULCHING

(16) FASTING ASPHALT CONCRETE PAVEMENT (T-VARSES)

**TYPICAL SECTIONS - S.R. 43**

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PCP-43-2839

**CALCULATED**  
**CHILD**  
**PM**

